

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

B 28 2020

Kirk Cross 01/09/87 64427037

\*

F.C.I Gilmer

P.O BOX 6000

\*

Criminal Case No.: 1:18-cr-00529-CCB-1

Glennville, WV 26351

\*

Civil Case No.:

CCB-20-551

(Leave blank. To be filled in by Court.)

(Full name, date of birth, identification #, address of movant)

v.

United States of America

\*

MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE

1. Name and location of the court which entered the judgment/conviction being challenged.

U.S District Court 101 W. Lombard Street Baltimore, Maryland 21201

2. Date of judgment or sentencing.

May 30<sup>th</sup> 2019

3. Length of sentence.

192 months

4. Nature of offense (all counts).

18:922(g)(1) FELONY IN POSSESSION OF A FIREARM

5. What was your plea? (check one)

- (a) Not Guilty ☐  
(b) Guilty ☒  
(c) Nolo Contendere ☐

If you entered different pleas to different counts or charges, explain.

6. Kind of trial (check one).

- (a) Jury ☐  
(b) Judge Only ☒

7. Did you testify at the trial?

Yes ☐ No ☒

8. Did you appeal from the judgment of conviction?

Yes ☐ No ☒

If you answered yes, provide the following information:

A. What grounds did you raise?

N/A

B. What was the result?

N/A

C. What was the date of the decision by the Court of Appeals?

N/A

9. Did you file a petition for writ of certiorari to the United States Supreme Court?

Yes ☐ No ☒

If you answered yes, what was the result?

N/A

If you answered yes, what was the date of the decision by the Supreme Court?

N/A

10. Other than a direct appeal, have you filed any petitions, applications, or motions challenging this judgment in any federal court?

Yes ☐ No ☒

11. If you answered yes, provide the following information for **each** petition, application, or motion:

A. Name and location of the court where you filed.

N/A

B. Describe what you filed and the date on which it was filed.

N/A

C. What grounds did you raise?

N/A

D. What was the result?

N/A

E. What was the date of the decision?

N/A

F. Did you appeal the decision?

Yes ☐ No ☒

G. What was the result?

N/A

H. If you did not appeal any adverse decision, explain why you did not appeal.

N/A

12. Do you CURRENTLY HAVE PENDING in any court any motion, petition, or appeal concerning the judgment being challenged in this petition?

Yes ☐ No ☒

If you answered yes, describe what you filed, when, where, and its current status.

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. In most cases federal law requires that a motion to vacate or set aside judgment be filed within one (1) year of the date your conviction became final. 28 U.S.C. § 2255. If this motion is being filed more than one year after your conviction became final, explain why it is late and/or why you believe the one year limitations period does not apply.

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. State BRIEFLY every ground on which you claim you are being held unlawfully. BRIEFLY summarize the facts supporting each ground. If necessary, you may attach additional pages.

A. Ground One: N/A

Supporting Facts: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Ground Two: N/A

Supporting Facts: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Ground Three: \_\_\_\_\_

Supporting Facts: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

D. Ground Four: \_\_\_\_\_

Supporting Facts: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

15. If any of the issues that you are raising in this motion have not been previously presented, explain which issues are being raised for the first time and why.

N/A

\_\_\_\_\_

\_\_\_\_\_

16. Do you have any other sentence(s) to be served after you complete the sentence/commitment that is being challenged in this petition?

Yes ☐ No ☒

If you answered yes, provide the following information about each of your future sentences:

A. Name and location of the court that imposed the sentence.

N/A

B. Length of the sentence. N/A

C. Have you filed, or do you intend to file, a petition or motion attacking this sentence?

Yes ☐ No ☒



WHEREFORE, Movant prays that the Court grant him/her all relief to which he/she may be entitled in this action.

I declare under the penalties of perjury that the information above is true and correct.

SIGNED THIS 24<sup>th</sup> day of February, 2020.

Kirk Cross  
Signature

Kirk Cross  
Printed Name

P.O. Box 6006 Glenville, WV 26351  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email Address

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

Kirk Cross 01/09/87 64427037 \*

F.C.I. Gilmer

P.O. Box 6000

\*

Criminal Case No.: 1:18-cr-00529-CCB-1

Glennville, WV 26351

\*

Civil Case No.:

(Leave blank. To be filled in by Court.)

(Full name, date of birth, identification #, address of movant)

v.

United States of America

\*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24<sup>th</sup>, 2020,  
a copy of Motion to vacate, set Aside, of correct sentence  
was mailed via first class mail, postage prepaid, to U.S District court For the  
District of Maryland

Kirk Cross  
Signature

Kirk Cross  
Printed Name

P.O Box 6000 Glennville, WV 26351  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email Address